

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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GERALD L. POLZIN,

Plaintiff,

v.

Case No. 10-C-38

JUDGE MICHAEL W. GAGE, et al.,

Defendants.

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**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL**

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The Plaintiff has moved for appointment of counsel in the above matter. His motion will be denied. As the Court has previously indicated, the viability of Plaintiff's claim is questionable and, at least at this point, does not appear to warrant the assistance of counsel. Moreover, Plaintiff is apparently well educated and able to communicate with the Court without the need for assistance. Plaintiff has filed numerous motions and even conducted a successful appeal. There is no evidence that he suffers from any sort of mental illness or development disability that would prevent him from adequately representing himself. Of course, the Court's consideration of the matter may change as the case unfolds, but the Government has not even responded to the Amended Complaint and the case is thus in the early stages. Given the circumstances, the motion to appoint counsel is denied, but without prejudice.

The Plaintiff also filed a Motion to Vacate Strike [41]. Because the case is no longer dismissed, the strike previously incurred should be removed.

Dated this 26th day of July, 2011.

s/ William C. Griesbach  
WILLIAM C. GRIESBACH  
United States District Judge